

ASSEMBLY BILL

No. 1449

Introduced by Assembly Member Keeley

February 23, 2001

An act to add Section 17550 to the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1449, as introduced, Keeley. CalWORKs: debt compromise.

Existing law requires the local child support agency in each county to enforce child support orders and to collect arrearages, as specified.

This bill would authorize the Department of Child Support Services or a local child support agency to compromise an obligor's liability for public assistance debt in cases where the parent separated from or deserted a child who, as a result thereof, became the recipient of aid under the CalWORKs program, if specified conditions are met, and the department determines that compromise is in the best interests of the child, as specified. The bill would define "guardian" and "relative caregiver" for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17550 is added to the Family Code, to
2 read:
3 17550. (a) In any case of separation or desertion of a parent
4 from a child that results in aid under Chapter 2 (commencing with
5 Section 11200) of Part 3 of Division 9 of the Welfare and

1 Institutions Code being granted to the child, the department, or
2 local child support agency may compromise the obligor parent or
3 parents' liability for public assistance debt, including interest
4 thereon, owed to the state where the child for whom public
5 assistance was paid is residing with the obligor parent, and both of
6 the following conditions are met:

7 (1) The obligor parent establishes one of the following:

8 (A) The child has been adjudged dependant under Section 300
9 of the Welfare and Institutions Code and the child has been
10 reunified with the obligor parent pursuant to a court order.

11 (B) The child received public assistance while living with a
12 guardian or relative caregiver who has returned the child to the
13 custody of the obligor parent.

14 (C) The child is residing with the obligor parent pursuant to a
15 court order.

16 (2) The department or local child support agency has
17 determined that the compromise is in the best interest of the child,
18 in that it is necessary for the child's support.

19 (b) Nothing in this section relieves an obligor, who has not been
20 reunified with his or her child, of any liability for public assistance
21 debt.

22 (c) For the purposes of this section, the following definitions
23 apply:

24 (1) "Guardian" means the legal guardian of the child, who
25 assumed care and control of the child while the child was in the
26 guardian's control, and who is not a biological or adoptive parent.

27 (2) "Relative caregiver" means a relative as defined in
28 subdivision (c) of Section 11362 of the Welfare and Institutions
29 Code, who assumed primary responsibility for the child while the
30 child was in the relative's care and control, and who is not a
31 biological or adoptive parent.

32 (d) The department shall adopt all necessary regulations to
33 carry out the intent of this section, including regulations that set
34 forth guidelines to be used by the department or local child support
35 agency when compromising public assistance debt.